

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
LADABAUM ET AL.Confirmation Number: 2110.
Attorney Docket: 016132-0274779
Client Reference: SC-007(U)

Application No.: 09/971,095

Group Art Unit: 3662
Examiner: Ian Lobo

Filed: October 3, 2001

EXPEDITED PROCEDURETitle: MICROFABRICATED ULTRASONIC TRANSDUCER WITH SUPPRESSED
SUBSTRATE MODESCERTIFICATE OF FAX TRANSMISSION
37 C.F.R. §1.8(a)

Fax No. 703-872-9306

I hereby certify that this communication and any attachments are being transmitted via facsimile to the fax number above, addressed to MAIL STOP AF, Commissioner for Patents, P. O. Box 1450, Alexandria VA on September 16, 2004


Kathleen M. SmithMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RECEIVED
CENTRAL FAX CENTER
SEP 16 2004

Sir:

This is a response to the Office Action mailed April 16, 2004.

Request for Extension of Time

Applicants request a two-month extension of time from July 16, 2004 to the date hereof to submit this response. The Commissioner is authorized to charge deposit account 50-2213 for the requisite small-entity extension fee of \$210.00.

09/22/2004 M HOLMES 0000001 502213 09971095

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Please amend the application as follows:

Serial No. 09/971,095

PAGE 2/8 * RCVD AT 9/16/2004 3:49:05 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:+6502234747 * DURATION (mm:ss):02:42

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REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Upon entry of this application, claims 1-8, 19-26 and 37-52 will remain pending.

While amendments to the claims have been made, they are permissible amendments pursuant to Rule 116, and thus entry of this amendment is proper.

Claims 1-8, 37-38 and 41-46 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 41 have been amended to recite "apparatus" rather than "assembly." As such, this rejection is overcome.

Claims 41, 45-47 and 51-52 are rejected under 35 USC 112 first paragraph as failing to comply with the written description requirement. Claim 41 has been amended to recite the 20 to 1 weight mixture specifically described in the specification and recited in other claims. As such, withdrawal of this rejection is appropriate.

Claims 1-8, 19-26, 37-40, 42-44 and 48-50 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-10 of U.S. Patent 6,714,484, in view of Glenn '582.

Attached hereto is a terminal disclaimer with respect to U.S. Patent 6,714,484 that overcomes the double patenting rejection. Accordingly, withdrawal of this rejection is also appropriate.

In view of the foregoing and because all objections and rejections have been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
PILLSBURY WINTHROP LLP


DAVID A. JAKOPIN, Reg. No. 32995
Tel. No. (650) 233-4790

60375911

2475 Hanover Street
Palo Alto, CA 94304-1114